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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 GEORGINA HENSON

14  
15 Plaintiff,

16 vs.

17 MITSUI O.S.K. LINES, LTD, and DOES  
18 1 through 20, inclusive,

19 Defendants.  
20

CASE NO.: C-08 02375 JL

**AMENDED ADMINISTRATIVE  
MOTION TO CONSIDER  
WHETHER CASE SHOULD BE  
RELATED PURSUANT TO CIVIL  
L.R. 7-11**

21 **1. PRIOR ACTIONS:**  
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23 A Longshoreman's complaint for Damages pursuant to the Longshore and  
24 Harbors Workers' Compensation Act, 33 U.S.C § 901 et seq., on behalf of the  
25 plaintiff, GEORGINA HENSON, was filed in the California Superior Court, County  
26 of Alameda, Case No. RG 08376724, against Defendant MITSUI O.S.K. LINES,  
27 LTD, et al. on March 14, 2008.  
28

1 On May 8, 2008, A Notice of Removal of Action under 28 U.S.C. § 1441 (b)  
2 (Diversity) was filed by defendant MITSUI O.S.K. LINES, LTD., incorporated in  
3 Japan, with a principal place of business in Tokyo, Japan. The action was transferred  
4 to the Northern District and assigned Case No. C-08 02375 JL.

5  
6 On or about May 13, 2008, counsel for MITSUI O.S.K. LINES, LTD filed an  
7 Answer with Magistrate Judge James Larson, who had been assigned the case.  
8 Defendants' answer, *inter alia*, alleged as a Third Affirmative Defense that the MOL  
9 EXPLORER, the vessel upon which plaintiff was injured, was owned by Camellia  
10 Carriers which had time chartered the vessel to MITSUI O.S.K. LINES, LTD., for a  
11 period of fifteen years. Under Maritime law, the vessel owner, Carrellia Carriers,  
12 retained control over management and navigation of the vessel, and absent an  
13 agreement to the contrary, the time charterer assumes no liability for negligence.  
14 Based upon these facts, plaintiff and defendant filed a Notice of Voluntary Dismissal  
15 with the District Court on or about July 21, 2008.

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17 **2. FILING OF RELATED ACTION, LOCAL RULE 3-12; 7-11:**  
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19 On August 6<sup>th</sup>, 2008, an action was filed in the matter of GEORGINA  
20 HENSON v. CAMELLIA CARRIERS, C-08 3757, JCS, and the case was assigned to  
21 Magistrate Judge Joseph C. Spero. This action is related to substantially the same  
22 transaction or event as those underlying HENSON v. MITSUI O.S.K. LINES, LTD,  
23 Case No. C-08 02375 JL, and therefore plaintiff is required to file an Administrative  
24 Motion to Consider Whether Cases Should be Related and either assigned to  
25 Magistrate Judges Larson or Spero pursuant to Civil L.R. 7-11. The only known  
26 parties to be served with this Administrative Motion are prior defendant MITSUI  
27 O.S.K. LINES, LTD (served via this efileing) as international service of summons on  
28 Defendant Camellia Carriers is not yet complete (and likely will not be for many

1 weeks). This Amended Motion is being filed to correct clerical errors in the original  
2 motion.

3  
4 DATED: August 15, 2008

BANNING MICKLOW & BULL LLP

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6 By /s/ Edward M. Bull III  
7 Edward M. Bull III  
8 Eugene A. Brodsky

9 Attorneys for Plaintiff  
10 Georgina Henson  
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**DECLARATION OF SERVICE**

CASE NAME: **Henson v. MITSUI O.S.K. LINES, LTD,**  
CASE NO.: C-08 02375 JL

I, the undersigned, am a citizen of the United States, over 18 years of age, and not a party to the within entitled action; I am employed at and my business address is, One Market, Steuart Tower, Suite 1440, San Francisco, California. On this date I served the following document(s):

**AMENDED ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASE SHOULD BE RELATED PURSUANT TO CIVIL L.R. 7-11**

on the parties stated below, through their attorneys of record, by placing true copies thereof in sealed envelopes addressed as shown below by the following means of service:

**EMARD DANOFF PORT TAMULSKI & PAETZOLD LLP**  
**Andrew I. Port**  
**Katharine Essick Snively**  
**49 Stevenson Street, Suite 400**  
**San Francisco, CA 94105**  
**Attorneys for Defendant MITSUI O.S. K. LINES, LTD**

X : **By First Class Mail** - I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in a recognized place of deposit of the U.S. mail in San Francisco, California, for collection to the office of the addressee following ordinary business practices.

       : **By Personal Service** - I personally caused delivery of each such envelope to the office of the addressee.

       : **By Overnight Courier** - I caused each such envelope to be given to an overnight mail service at San Francisco, California, to be hand delivered to the office of the addressee on the next business day.

       : **Facsimile** - (Only where permitted. Must consult CCP §1012.5 and California Rules of Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D. CA)

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 15, 2008, at San Francisco, California.

  
Jean Culver